

Board of Selectmen's Meeting Minutes
February 4, 2010
Harpswell Town Office
Approved on February 18, 2010

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At 5:30 p.m. the Board met to handle administrative matters; the action list was reviewed; the Board asked for an update from the Emergency Management Agent; the Board agreed to consider selling a municipal vehicle on the agenda; Chairman Henderson agreed to draft the Selectmen's report for the Town report; the Town report dedication process was discussed; the Board scheduled a tentative meeting with the Comprehensive Plan Implementation Committee on February 22 at 4:30 p.m.; the Board reviewed the committee/board openings and asked for applications to be re-circulated; the Board was informed that preliminary results show that the Town-owned Hildreth Road property could sustain a septic system and the Board asked for further information and options relating to selling a portion and retain the remainder for conservation; the Board agreed to use a consent agenda for non-controversial items on the agenda; a progress update from Hamilton Place was handed out; a draft Town meeting warrant format was handed out; Chairman Henderson agreed to draft responses to questions from the Anchor; Chairman Henderson provided an update on the Planning Board's meeting regarding ordinances for Town Meeting where the Board of Selectman and Planning Board agree on the non-conforming foundation amendment and the Boards differ on the Blasting Ordinance and both versions will be available for the February hearing; two purchase orders exceeding \$1,000 in value were reviewed and signed.

Selectmen Present: James S. Henderson, Mark E. Wallace and Elinor Multer

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Bill Wells, Code Enforcement Officer

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:35 PM.

The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Wallace to adopt the agenda by moving 11b to 7a and adding a discussion regarding the Town car and the "Welcome" request for proposals under Other Business.

2. Public Comment: Elizabeth Davis, of Friends for Harpswell Education, announced the dates and times of several community events leading to the March 9 vote regarding closing West Harpswell School: February 6, 5:00 p.m. is a free spaghetti dinner at Kellogg Church; February 9 at Cundy's Harbor Community Hall; February 16 at Old Orr's Island Schoolhouse; and the public hearing on February 25 at 6:30 at Harpswell Island School.

3. Approval of the Minutes: Chairman Henderson moved, seconded by Selectman Wallace to approve the January 28 minutes by accepting the editorial suggestions submitted to the office by email by individual selectmen and as amended tonight; motion passed 3-0.

4. Town Administrator's Report: Administrator Eiane announced that absentee ballots for the West Harpswell School referendum vote will be available beginning tomorrow. Administrator Eiane reported she attended a meeting at West Harpswell School this week held by a Navy representative and Charter Environmental, contractor, regarding the pipeline removal project. Representatives from Senator Collins and Senator Snowe's offices also attended the public informational meeting. The contractor has been establishing a temporary office at Mitchell Field and mobilizing equipment for use throughout the project, which is slated to be completed in approximately one year. There will soon be a link on the Town's website to the contractor's site providing updated progress reports on the project. Administrator Eiane reported the Town received 13 responses to its request for proposal regarding engineering services. A staff review group has reviewed the responses and interviewed 5 firms and should have a recommendation for the Board next week. Administrator

Eiane stated she would like to nominate the Conservation Commission, for all its work with the Save-Our-Bay program, for an Eco Excellence award from Eco-Maine with the Board's concurrence; the Board concurred.

5. Selectmen's Announcements: None.

6. Sean Brown & Laura Filkins Wharf Application, 101 Oakhurst Island Rd., Map 64, Lot 12: The hearing was opened at 6:48 p.m. Bill Wells, Code Enforcement Officer, reviewed the proposal and reported an abutter has expressed concerns. Joe Leblanc, applicant's representative, explained the proposal involved removing a portion of the existing structure and adding new stairs and landings connecting the house deck to the wharf. Mr. Leblanc stated the new structure will meet the 25-foot setback to the concerned abutter's property line and will not meet the setback to the other abutter's line, but that abutter has signed a release form. Timmy Griffin expressed concerns that the proposal may interfere with his ability to navigate through the channel, which will affect his commercial fishing operation. David Wilson stated that while the cove is closed right now, it will be opened eventually and he expressed concern about the float resting on the mud at low tide and killing the clams. Christina Hatch, abutter, stated she believed her rights as a property owner are being infringed and that the Town should try to protect its commercial fishing industry. Ms. Hatch expressed concern about being approached more than once to give up her right to a property line setback, which she declined. She said that while the proposal now shows the 25-foot setback, she is concerned it won't be maintained during construction. Ms. Hatch requested that the Board delay making a decision in order to conduct a site visit. Mr. Wells stated the setback could be verified by requiring an as-built survey. Mr. Leblanc addressed a few issues by stating that pressure treated lumber is permissible if it is seasoned for three weeks prior to use, the float will sit on 6x6 skids and he has been told the clams flourish under a float and that there will not be a boat tied off the end of the float. Mr. Leblanc noted that the Army Corps of Engineers requires that a wharf system not be larger than 25% of the channel and this waterway is 230-feet wide and the proposal will extend 35-feet. Connie Bernier stated the proposal seems excessive for kayak use. Chairman Henderson explained that the Code Office reviews certain standards and the Board reviews navigational issues and injury to the rights of others. Selectman Multer and Selectman Wallace preferred to table so that a site visit could be scheduled. Peter Darling asked where the float was going to be stored; Mr. Leblanc responded offsite. Ms. Hatch asked if the dimension of the float could be reduced. Chairman Henderson moved, seconded by Selectman Multer to table this item until after a site visit; motion passed 3-0.

7. Consider the Board's Position on Pending Legislation to Clarify Law Regarding Clam Depuration: Chairman Henderson stated Selectman Wallace and he attended the Marine Resources Committee meeting and heard concerns regarding a law that allows the Department of Marine Resources (DMR) to let a depuration company harvest clams in a restricted area for purification and sale.. That situation may be workable in towns that don't monitor and work on keeping its waters clean but Harpswell continually works at improving and maintaining water quality. There was an amendment to the law two years ago to clarify that depuration would not take place if clam flats were improving and the Town had a conservation program, but the law allows the only depuration company in the State access to a cove when its status changes. Ash Cove's status has changed, but has improved, and DMR may allow depuration. Senator Gerzofsky sponsored a change in the law that the Commissioner and Deputy Commissioner of DMR will support. Chairman Henderson suggested sending a letter to the Commissioner, Deputy Commissioner and legislators to take the necessary steps to assure that depuration will only be allowed if water status declines and the Town is not working towards improvement. Shelly Wilson, Marine Resource Committee member, provided the background with the committee meetings in Augusta and handed out the recent proposed changes in the language. Ms. Wilson stated that while she still has concerns about this language, as it means each cove in a prohibited status will need to be documented, it is an improvement and DMR has allowed a waiver for Ash Cove. David Wilson, co-chair of Marine Resources Committee, stated he wants coves open for Harpswell's 70 licensed diggers. Shellfish Conservation Warden Bradbury commented on how long it takes to get a cove open due to the repeat water testing time frames. Michael Bernier, Marine Resources Committee member, stated the Committee works hard on keeping coves

open and on license work and needs the help of the Selectmen on this issue. Selectman Multer suggested an article in the Anchor may be useful and moved, seconded by Selectman Wallace to send a letter to Representative Percy, Senator Gerzofsky, Deputy Commissioner Etnier and the State Marine Resource Committee chair; motion passed 3-0.

8. 2010 Budget Review: The Board discussed how an appropriation is not needed in 2010 for contingency as the current balance is sufficient based on Town policy. The Board reviewed and concurred with the following budget categories: special projects \$32,000; heating assistance \$6,000; road maintenance \$50,000; snow removal \$449,785; road signs \$2,000; marine patrol \$168,113; general law enforcement \$294,194; communications \$29,547; ALS & emergency phone \$18,000; fire warden \$2,000; street lighting \$28,500; and emergency services (Fire & Rescue Departments) \$180,000. Selectman Multer stated the Harpswell Neck Fire & Rescue Department collects insurance proceeds for rescue calls and believes the other two departments should as well. She urged discussion between the Departments and the Board. Chairman Henderson stated the Board should discuss this issue with the departments before the next budget submission. The Board continued reviewing and concurred with the following budget categories: emergency management \$3,500 [Chairman Henderson asked for William Labbe to report on the status of emergency plan and on an exercise with the plan]; Animal Control \$23,686; and Harbor Management \$38,603.

[The rest of this item was discussed at the end of the meeting.] Administrator Eiane reviewed the proposed borrowing of \$600,000 for the purchase of emergency vehicles. Chairman Henderson moved, seconded by selectman Wallace to place the bond article on the warrant; motion passed 3-0. Each Selectman recommended the article. Administrator Eiane recommended reallocating a portion of budget funds from the general administration part-time wages account to the general administration full-time salaries line for the possibility of additional compensation for the Deputy Administrator after Town Meeting and subsequent to the annual performance review and final approval by the Board. The Board concurred. The Board completed its review of these budget categories: Orr's Island Library \$13,000; Cundy's Harbor Library \$13,800; Harpswell and Pejepscot Historical Societies \$2,500; memorial observance \$1,200; Harpswell Community Broadcasting \$35,000; General Assistance \$24,000; Social Services \$16,230 plus Bailey Island Library Hall \$2,582, Five Rivers Arts Alliance \$500 and Harpswell Scouting Assistance Association \$50; Recreation \$30,088; recreation program \$7,250; capital reserves \$77,000; Mitchell Field \$8,500; capital roads \$140,000 and debt service \$640,000. The Board held off on a decision on the New Meadows Watershed \$1,000 pending further information.

9. Committee Appointment and Resignation: Chairman Henderson moved, seconded by Selectman Wallace to appoint Dick Moseley to the Harbor & Waterfront Committee to 2012; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to appoint Chris Coffin as a steward; motion passed 3-0.

10. Election Ballot Clerks and Voter Registration Appeals Board Appointments: Chairman Henderson moved, seconded by Selectman Multer to appoint the list of persons as recommended by the Clerk; motion passed 3-0. [List attached]

11. Review of Other Ordinances

- **Restricting Vehicle Weight Ordinance on Town Ways:** The Board reviewed the most recent proposed amendments to the Ordinance that adds a chart of certain vehicles and weights as automatic exemptions. The Board agreed to have it sent for legal review and noted the road posting signs may be difficult as all exemptions must be listed. Chairman Henderson moved, seconded by Selectman Wallace to set February 18 at 7:00 p.m. as a public hearing on this ordinance; motion passed 3-0.
- **Harpswell Shellfish Ordinance:** Terri Sawyer, Deputy Administrator, provided the history surrounding the proposed amendments to the Shellfish Ordinance. Ms. Sawyer stated she had been in contact with Shelly Wilson, of the Marine Resources Committee, and understood the Committee was on

board with the changes but felt that the 202.3.8.1 change was redundant and not necessary. The Board held a hearing on this ordinance on January 7 which no one attended. Chairman Henderson asked for an opinion from the Town Attorney regarding 202.3.8.1. Ms. Sawyer has spoken with the Attorney and while the Attorney states it is not necessary, the section does further clarify that one must complete the conservation obligation. The Committee members present agreed with all proposed changes. Chairman Henderson moved, seconded by Selectman Multer to place the proposal on the Town Meeting warrant; motion passed 3-0. Each Selectman recommended the article.

[Deputy Bradbury noted the pipeline removal project is underway and encouraged everyone to be careful during construction.]

- **Gift Ordinance:** The Board reviewed the most recent gift ordinance proposal and made a couple of additional changes and agreed to hold a hearing on it on February 18 after the Road Posting.

12. Inscription Guidelines: Selectman Multer moved, seconded by Selectman Wallace to adopt the guidelines; motion passed 3-0.

13. Request for Proposals for Painting the Recycling Center Trash Compactor Doors: Selectman Multer moved, seconded by Chairman Henderson to authorize this proposal; motion passed 2-0 (Selectman Wallace abstained).

14. Other Business

- **Consider Placing Municipal Vehicle for Public Bid:** Chairman Henderson moved, seconded by Selectman Wallace to place the 2005 Crown Victoria up for bid “as is” without a minimum bid with submissions due by March 1; motion passed 2-1 (Selectman Multer opposed).
- **Consider Request for Proposals for “Welcome” Signs:** Chairman Henderson stated the Design Review Committee met and has since agreed on this request for proposal (RFP). Chairman Henderson said members will send to some individuals and asked staff to send to 5 Rivers Art Alliance (formerly Brunswick Area Cultural Alliance). The RFP is to be posted on-line and in the Times Record. There are no limitations on the number of responses as long as the submission requirements are met for each one. Chairman Henderson moved, seconded by Selectman Multer to send the RFP; motion passed 3-0.

15. Authorization of the Warrant: Selectman Multer moved, seconded by Chairman Henderson to authorize warrant #7 in the amount of \$123,954.10; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #8 in the amount of \$3,004.63; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #6 in the amount of \$13,813.02 was noted for the record.

16. Adjournment: The meeting adjourned by unanimous vote at 10:25 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: List of Election Ballot Clerks/Deputy Registrar of Voters and Voter Registration Board

[Attachments are available at the Town Clerk’s Office or by email at harpwell@gwi.net]